

4VAC15-260-120

Game: Waterfowl and Waterfowl Blinds: Special sea duck season area.

Summary:

This proposal eliminates the requirement that Virginia's "Special Sea Duck Area" only exists when federal migratory waterfowl regulations allow a "Special Sea Duck Hunting Season". It would also revise the Special Sea Duck Area description to clarify where it is legal to pursue crippled sea ducks (and other waterfowl) under power.

Proposed language of amendment:

4VAC15-260-120. Special sea duck ~~season~~ area.

~~Whenever federal migratory waterfowl regulations permit a special season for taking scoter, eider and long-tailed (formerly old-squaw) ducks within an area designated as a special sea duck hunting area under regulations adopted by the board, such~~ The special sea duck hunting area shall be designated and delineated as follows: ~~Those waters at a distance greater than 800 yards from any shore, island or emergent vegetation in the following area:~~ The ocean waters of Virginia, the tidal waters of Northampton and Accomack counties up to the first highway bridge, and the Chesapeake Bay and each of its tributaries up to the first highway bridge. Back Bay and its tributaries are not included in the special sea duck hunting area.

Rationale:

Sea ducks were once considered "underharvested", and federal regulations allowed them to be hunted during the regular duck season, and also during an extended "Special Sea Duck Season". This extended season had to be conducted in a state specified "Special Sea Duck Hunting Area". One unique aspect of this federal "Special Sea Duck Season" was that crippled sea ducks could be pursued while a boat was under power, which is illegal for all other waterfowl hunting seasons. Sea ducks can dive and swim underwater for several minutes, so this provision was allowed as a conservation measure to help retrieve crippled birds which would otherwise be lost.

Sea duck numbers have declined, and federal migratory waterfowl regulations have recently eliminated the "Special Sea Duck Season". However, sea ducks can still be taken during the regular duck hunting season. In addition, "Special Sea Duck Areas" have been retained under federal regulations as a conservation measure for recovering crippled birds.

Under the current regulation in Virginia, the Special Sea Duck Area is only applicable when federal regulations permit a Special Sea Duck Hunting Season. Therefore, the Special Sea Duck Hunting Area in Virginia is no longer applicable, and the ability to pursue crippled birds under power is no longer available. This proposal will remove the nexus to the federal regulation and establish a separate Special Sea Duck Area. It will also revise the area description to clarify where crippled waterfowl could be retrieved while a boat is under power.